

MARSHALL DIVISION

Plaintiff,

CELLCO PARTNERSHIP d/b/a
VERIZON WIRELESS *et al.*,

Defendants,

ERICSSON INC. and NOKIA OF
AMERICA CORP.,

Intervenors,

Case No. 2:23-cv-00640-JRG
(Lead Case)

CELLCO PARTNERSHIP d/b/a
VERIZON WIRELESS,

Counterclaim-Plaintiff,

ERICSSON INC. and NOKIA OF AMERICA CORP.,

Intervenors,

PEGASUS WIRELESS INNOVATION
LLC and KT CORPORATION,

Counterclaim-Defendant and Third-Party Defendant.

Case No. 2:23-cv-00640-JRG
(Lead Case)

PEGASUS WIRELESS INNOVATION
LLC,

Plaintiff,

AT&T CORP. *et al.*,

Defendants,

ERICSSON INC. and NOKIA OF
AMERICA CORP.,

Intervenors,

Case No. 2:23-cv-00638-JRG
(Member Case)

NEW CINGULAR WIRELESS PCS, LLC,

Counterclaim-Plaintiff,

ERICSSON INC. and NOKIA OF
AMERICA CORP.,

Intervenors,

V.

PEGASUS WIRELESS INNOVATION
LLC and KT CORPORATION,

Counterclaim-Defendant and Third-Party Defendant.

Case No. 2:23-cv-00638-JRG
(Member Case)

PEGASUS WIRELESS INNOVATION
LLC,

Plaintiff,

V.

T-MOBILE USA, INC. *et al.*,

Defendants,

ERICSSON INC. and NOKIA OF
AMERICA CORP.,

Intervenors,

Case No. 2:23-cv-00639-JRG
(Member Case)

T-MOBILE USA, INC.,

Counterclaim-Plaintiff,

ERICSSON INC. and NOKIA OF
AMERICA CORP.,

Intervenors,

V.

PEGASUS WIRELESS INNOVATION
LLC and KT CORPORATION,

Counterclaim-Defendant and Third-Party Defendant.

Case No. 2:23-cv-00639-JRG
(Member Case)

**JOINT MOTION TO DISMISS INFRINGEMENT ALLEGATIONS AND NON-
INFRINGEMENT AND INVALIDITY COUNTERCLAIMS WITH RESPECT TO
U.S. PATENTS NOS. 10,594,460; 10,638,463; 10,721,118; AND 11,405,942**

Plaintiff and Counterclaim-Defendant Pegasus Wireless Innovations LLC's ("Pegasus"), Third-Party Defendant KT Corporation ("KT"), and Celco Partnership d/b/a Verizon Wireless, Verizon Business Network Services LLC, Verizon Corporate Services Group Inc., and TracFone Wireless, Inc. ("Verizon"), AT&T Corp., AT&T Services, Inc., AT&T Mobility LLC, AT&T Mobility II LLC, New Cingular Wireless PCS, LLC, and Cricket Wireless LLC ("AT&T"), and T-Mobile USA, Inc., Sprint Solutions LLC, and Sprint Spectrum LLC ("T-Mobile") (Verizon, AT&T, and T-Mobile collectively, "Defendants and Counterclaim-Plaintiffs") and Ericsson Inc. ("Ericsson") and Nokia of America Corp. ("Nokia") (Ericsson and Nokia collectively, "Intervenors") respectfully jointly move to dismiss Pegasus's infringement allegations relating to U.S. Patent No. 10,594,460 (the "'460 Patent"), U.S. Patent 10,638,463 (the "'463 Patent"), U.S. Patent No. 10,721,118 (the "'118 Patent") and U.S. Patent No. 11,405,942 (the "'942 Patent") without prejudice; and dismiss Defendants' and Intervenors' Counterclaims Four, Five, Six, and Eight, and Third Affirmative Defense as they relate to the '460, '463, '118, and '942 Patents without prejudice. The parties respectfully request that the Court grant this joint Motion.

DATED: May 12, 2025

Respectfully submitted,

By: /s/ Max L. Tribble

Max L. Tribble – Lead Counsel

Texas State Bar No. 20213950

mtribble@susmangodfrey.com

Joseph S. Grinstein

Texas State Bar No. 24002188

jgrinstein@susmangodfrey.com

Corey M. Lipschutz

Texas State Bar No. 24099303

clipschutz@susmangodfrey.com

SUSMAN GODFREY L.L.P.

1000 Louisiana Street, Suite 5100

Houston, TX 77002

Telephone: (713) 651-9366

Facsimile: (713) 654-6666

Kalpana Srinivasan

California State Bar No. 237460

ksrinivasan@susmangodfrey.com

Jordan Rux

Texas State Bar No. 24106380

jrux@susmangodfrey.com

SUSMAN GODFREY L.L.P.

1900 Avenue of the Stars, Suite 1400

Los Angeles, CA 90067

Telephone: (310) 789-3100

Facsimile: (310) 789-3150

Daniel J. Shih

Washington State Bar No. 37999

dshih@susmangodfrey.com

SUSMAN GODFREY L.L.P.

401 Union Street, Suite 3000

Seattle, WA 98101

Telephone: (206) 516-3880

Facsimile: (206) 516-3883

Y. Gloria Park

New York State Bar No. 5477047

gpark@susmangodfrey.com

William J. Melsheimer

Texas State Bar No. 24126417

jmelsheimer@susmangodfrey.com

SUSMAN GODFREY L.L.P.

One Manhattan West, 50th Floor

New York, NY 10001
Telephone: (212) 336-8330

Andrea L. Fair
Texas State Bar No. 24078488
andrea@millerfairhenry.com

MILLER FAIR HENRY, PLLC
1507 Bill Owens Parkway
Longview, TX 75604
Telephone: (903) 757-6400
Facsimile: (903) 757-2323

***Attorneys for Plaintiff Pegasus Wireless
Innovation LLC, and Third-Party
Defendant KT Corporation***

BY: /s/ Ross R. Barton
Ross Barton (NC Bar No. 37179)
J. Ravindra Fernando (NC Bar No. 49199)
Matt Turk (NC Bar No. 57361)
Erin Beaton (NC Bar No. 59594)
ross.barton@alston.com
ravi.fernando@alston.com
matthew.turk@alston.com
erin.beaton@alston.com
ALSTON & BIRD LLP
Vantage South End
1120 South Tryon Street
Suite 300
Charlotte, NC 28203-6818
Phone: (704) 444-1000
Fax: (704) 444-1111

John D. Haynes (GA Bar No. 340599)
David S. Frist (GA Bar No. 205611)
Bryan W. Lutz (GA Bar No. 915395)
Siraj Abhyankar (GA Bar No. 484680)
James Atkison (GA Bar No. 310451)
Carter Babaz (GA Bar No. 577033)
john.haynes@alston.com
david.frist@alston.com
shri.abhyankar@alston.com
james.atkison@alston.com
carter.babaz@alston.com
ALSTON & BIRD LLP

One Atlantic Center
1201 West Peachtree Street
Atlanta, GA 30309-3424
Telephone: (404) 881-7000
Facsimile: (404) 881-7777

Theodore Stevenson (TX Bar No. 19196650)
Michael J Newton (TX Bar No. 24003844)
Elliott Riches (TX Bar No. 24125381)
Jason Spotts (TX Bar No. 24125945)
ted.stevenson@alston.com
elliott.riches@alston.com
jason.spotts@alston.com
ALSTON & BIRD LLP
Chase Tower
2200 Ross Avenue
Suite 2300
Dallas, TX 75201
Phone: (214) 922-3400
Fax: (214) 922-3899

*Counsel for Defendants Cellco Partnership
d/b/a Verizon Wireless, Verizon Business
Network Services LLC, Verizon Corporate
Services Group Inc., TracFone Wireless,
Inc., AT&T Corp., AT&T Services, Inc.,
AT&T Mobility LLC, AT&T Mobility II LLC,
New Cingular Wireless PCS, LLC, Cricket
Wireless LLC, T-Mobile USA, Inc., Sprint
Solutions LLC, and Sprint Spectrum LLC;
and Intervenor Ericsson Inc. and Nokia of
America Corp.*

Deron R. Dacus (TX Bar No. 00790553)
The Dacus Firm, P.C.
821 ESE Loop 323, Suite 430
Tyler, TX 75701
Phone: (903) 705-1117
Fax: (903) 581-2543
ddacus@dacusfirm.com

*Counsel for Defendants Cellco Partnership
d/b/a Verizon Wireless, Verizon Business
Network Services LLC, Verizon Corporate
Services Group Inc., TracFone Wireless,
Inc., AT&T Corp., AT&T Services, Inc.,*

*AT&T Mobility LLC, AT&T Mobility II LLC,
New Cingular Wireless PCS, LLC, and
Cricket Wireless LLC*

Melissa R. Smith
Harry Lee Gillam, Jr.
State Bar No. 24001351
Gillam & Smith, LLP
303 South Washington Avenue
Marshall, Texas 75670
Phone: (903) 934-8450
Fax: (903) 934-9257
melissa@gillamsmithlaw.com
gil@gillamsmithlaw.com

*Counsel for Defendants T-Mobile USA, Inc.,
Sprint Solutions LLC, and Sprint Spectrum
LLC*

Thomas William Ritchie (IL Bar 6301954)
JONES DAY
110 North Wacker Drive
Suit 4800
Chicago, IL 60601-1692
Tel: (312) 782-3939
Fax: (312) 782-8585
twritchie@jonesday.com

*Counsel for Defendants Cellco Partnership
d/b/a Verizon Wireless, Verizon Business
Network Services LLC, Verizon Corporate
Services Group Inc., and TracFone Wireless,
Inc., T-Mobile USA, Inc., Sprint Solutions
LLC, and Sprint Spectrum LLC*

Michael C. Hendershot (CA Bar 211830)
Evan Matthew McLean (CA Bar 280660)
JONES DAY
1755 Embarcadero Road
Palo Alto, California 94303
Tel: (650) 739-3939
Fax: (650) 739-3900
mhendershot@jonesday.com

Edwin Garcia (TX Bar 24097726)
JONES DAY

51 Louisiana Ave, N.W.
Washington, DC 20001
Tel: (202) 879-3939
Fax: (202) 626-1700
edwin.garcia@jonesday.com

Stephanie M Mishaga (CA Bar 326058)
JONES DAY
4655 Executive Drive
Suite 1500
San Diego, CA 92121
Tel: (858) 314-1200
Fax: (844) 345-3178
stephanie.mishaga@jonesday.com

Tracy Ann Stitt (OH Bar 0079949)
JONES DAY
901 Lakeside Ave
Cleveland, OH 44114
Tel: (216) 586-3939
Fax: (216) 579-0212
tastitt@jonesday.com

*Attorney for Defendants Cellco Partnership
d/b/a Verizon Wireless, Verizon Business
Network Services LLC, Verizon Corporate
Services Group Inc., and TracFone Wireless,
Inc.*

CERTIFICATE OF SERVICE

I hereby certify that certify that counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via email on May 12, 2025.

/s/ Ross R. Barton

Ross R. Barton

*Counsel for Defendants Cellco Partnership
d/b/a Verizon Wireless, Verizon Business
Network Services LLC, Verizon Corporate
Services Group Inc., TracFone Wireless,
Inc., AT&T Corp., AT&T Services, Inc.,
AT&T Mobility LLC, AT&T Mobility II LLC,
New Cingular Wireless PCS, LLC, Cricket
Wireless LLC, T-Mobile USA, Inc., Sprint
Solutions LLC, and Sprint Spectrum LLC;
and Intervenors Ericsson Inc. and Nokia of
America Corp.*